

Application Serial No. 10/648,095  
Examiner: E.D. Culbreth  
Art Unit: 3616

PATENT  
M&G No. 13425.0038US01

**Remarks**

Reconsideration is respectfully requested in view of the above amendments and following remarks. The specification has been amended to correct informalities and grammatical errors. Claims 1, 2 and 7 have been amended, and are supported for instance in the Figures and descriptions thereof. Claims 3-6 and 8 have been canceled. No new matter has been added. Claims 1, 2, 7, 9 and 10 are pending.

Concerning the Japanese Patent No. 2920291 listed in the specification, Applicants respectfully submit that the reference will be filed along with an English abstract in a proper Information Disclosure Statement that will be submitted separately from this paper. Applicants respectfully submit that Nakajima et al. (U.S. Patent No. 6,279,941) is based upon said listed patent.

The drawings are objected to for informalities for including reference numerals in the specification that are not on the drawings. Applicants respectfully submit that the reference numerals in the specification have been amended to correct typographical errors, so as to be consistent with the reference indicators included on the drawings.

Withdrawal of the objection is respectfully requested.

The drawings are objected to for not showing every feature recited in the claims. Applicants respectfully submit that claims 3-6 and 8 have been canceled, rendering the objection moot as to these claims. With regard to claim 10, claim 10 recites a "rivet", where added Figure 5 illustrates a schematic of said claimed rivet. Added Figure 5 is attached herewith at the end of this paper. No new matter is added, and the rivet is supported by the disclosure, for instance at page 7, lines 21-25 to page 8, line 1 of the specification. Likewise, the Brief Description of the Drawings has been amended to include a brief description of Figure 5. It is respectfully requested Figure 5 illustrating the rivet be entered. A formal drawing in accordance with 37 C.F.R. 1.84 is respectfully deferred pending approval of the Examiner.

Favorable reconsideration and withdrawal of the objection are respectfully requested.

The specification is objected to for informalities. Applicants appreciate Examiner's review of the disclosure, and respectfully submit that the corrections have been made as suggested.

Withdrawal of the objection is respectfully requested.

Application Serial No. 10/648,095  
Examiner: E.D. Culbreth  
Art Unit: 3616

PATENT  
M&G No. 13425.0038US01

The specification is objected to for failing to provide proper antecedent basis for the claimed subject matter in claims 3-6 and 8. Applicants respectfully submit that claims 3-6 and 8 have been canceled, rendering the objection to these claims moot.

Withdrawal of the objection is respectfully requested.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

Regarding claim 1, this claim has been amended to provide proper antecedent basis for fixing of the airbag and bracket features. Regarding claim 2, Applicants submit that this claim has been amended to provide proper antecedent basis for the fit-in hole. Thus, Applicants respectfully submit that claims 1 and 2 are definite. Claims 3-6 and 8 have been canceled, rendering the rejection moot as to these claims. With regard to method claims 7-10, claim 7 has been amended to recite providing a passenger protecting apparatus, while also reciting the features of amended claim 1. Thus, Applicants respectfully submit that claim 7 and dependent claims therefrom are definite.

Favorable reconsideration and withdrawal of the rejection are respectfully requested.

Claims 3-6 and 8 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully submits that claims 3-6 and 8 have been canceled rendering the rejection to these claims moot.

Withdrawal of the rejection is respectfully requested.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakajima et al. (U.S. Patent No. 6,279,941). Applicants respectfully traverse this rejection, and respectfully request reconsideration in view of the following comments.

Claim 1 recites an airbag that is unified with a bracket through a through-hole formed at one end of the bracket. The bracket is fastened, fixed, and attached to said vehicle body by a fitting through another through-hole formed at the other end of the bracket and located below said airbag. (Pages 5, 7 and 8.) Claim 7 recites a method for attaching a passenger protecting apparatus by providing the features of the apparatus of claim 1. The present invention provides an apparatus where the attachment of the airbag to the vehicle is only fastened/fixed through the other end of the bracket located below the airbag, a situation can be avoided that the fitting enters

Application Serial No. 10/648,095  
Examiner: E.D. Culbreth  
Art Unit: 3616

PATENT  
M&G No. 13425.0038US01

in a gap between the airbag and the vehicle. Thus, a long assembly time for a passenger protection apparatus can be prevented thereby reducing burden on a worker. (Page 6, lines 19-26.) Further, an elevation angle can be minimized in performing the fitting work of an airbag, thereby further alleviating a burden on a worker. (Page 7.) The present invention provides improved work efficiency for attaching the airbag.

Nakajima et al., however, does not teach or suggest the features as required by claims 1 and 7. Particularly, Nakajima et al. does not disclose an airbag that is unified with a bracket through a through-hole formed at one end of the bracket, and where the bracket is fastened, fixed, and attached to said vehicle body by a fitting through another through-hole formed at the other end of the bracket and located below said airbag. In fact, Nakajima et al. discusses a bolt 39 for fixing the air bag 16, in which the bolt and same hole 52 also fastens the pillar inner panel. (Figures 1 and 2.) Nakajima et al. does not disclose the requirements of claims 1 and 7, and would not reasonably enjoy the advantages provided by the present invention. Thus, for at least these reasons, Applicants respectfully submit that claims 1 and 7 and dependent claims therefrom are allowable over the cited reference.

Favorable reconsideration and withdrawal of the rejection is respectfully requested.

With the above amendments and remarks, Applicants believe that the claims now pending are in a condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicants' representative at the number listed below.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P. O. Box 2903  
Minneapolis, Minnesota 55402-0903  
612.332.5300

Date Oct. 1, 2004

Curtis B. Hamre

Curtis B. Hamre  
Reg. No. 29,165